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*Attorneys for Defendants other than
Torben Welch and Messner General Partnership*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

KOSHER EATS LLC, a Florida limited liability company, EMERALD CONSULTING PARTNERS LLC, a Florida limited liability company, ABBSON LLC, a New York limited liability company, MSC COMPANIES, LLC, a Utah limited liability company, and HOMEPEOPLE CORPORATION, a New York corporation,

Plaintiffs,

v.

TORBEN WELCH, an individual, CALEB MEYER, an individual, MICHELLE HARDEN, an individual, RENNE FINCH, an individual, DAVID REEVES, an individual, BENJAMIN TIETGEN, an individual, DARREN ALBERTI, an individual, KATE BAILEY, an individual, BRENDA BARTELS, an individual, ALEX BELTZ, an individual, AMBER BLASINGAME, an individual, BRETT

**MESSNER REEVES, LLP'S, MR
PARTNERS', AND BRIGHAM'S
MOTION FOR LEAVE TO FILE UNDER
SEAL (Motion to Dismiss)**

Case No. 2:24-cv-00520-DBB-DBP

District Judge David Barlow
Magistrate Judge Dustin B. Pead

BOON, an individual, VALERIE
BROMLEY, an individual, EDGAR
CARRANZA, an individual, KATHLEEN
CARTER, an individual, CYNTHIA
CARUCCI, an individual, CHARLES
CAVANAGH, an individual, LAURA
CHARTRAND, an individual, GREGORY
COHEN, an individual, KIMBERLEY
CRONIN, an individual, ISAAC CRUM, an
individual, ERICA DEATHERAGE, an
individual, MATTHEW DEENIHAN, an
individual, ALLISON DODD, an individual,
BRIEANNA DOLMAGE, an individual,
PATRICK DRAKE, an individual, R.J.
ERTMER, an individual, RACHEL FARR,
an individual, MARY BRYNE FLETCHER,
an individual, AUSTIN GEMMELL, an
individual, MATTHEW GEORGE, an
individual, DEANNA GILBERTSON, an
individual, MARGARET GRAY, an
individual, SCOTT HAWRANEK, an
individual, ANDREW HOLLINS, an
individual, AMY HUFF, an individual,
CRAIG HUMPHREY, an individual, MATT
JEDRZEJEK, an individual, MACLAINE
JOYCE, an individual, IDIN
KASHEFIPOUR, an individual, DARA
KELLER, an individual, DANIEL KLETT,
an individual, STEVEN KNAUSS, an
individual, MARJORIE KRATSAS, an
individual, JASON MARTINEZ, an
individual, BRYANT MESSNER, an
individual, IAN MITCHELL, an individual,
SCOTT MONROE, an individual, SIMONE
MONTOYA, an individual, BRUCE
MONTOYA, an individual, KATHLEEN
MOWRY, an individual, CHRISTINA
MUNDY, an individual, ANN NGUYEN, an
individual, KATHERINE OTTO, an
individual, JONATHAN OWENS, an
individual, JULIAN PARDO DE ZELA, an
individual, FRANK PERRETTA, an
individual, PETER PIERCE, an individual,
WILLIAM RANDALL, an individual,
RICHARD REICE, an individual, ADAM

ROYVAL, an individual, HEATHER SALG, an individual, EDWIN SCHWARTZ, an individual, MIKHAIL SHAH, an individual, GREG SITRICK, an individual, ROWAN SMITH, an individual, AARON SOLEIMANI, an individual, HEATHER STERN, an individual, JOHN STEVENS, an individual, DEANNE STODDEN, an individual, MATTHEW SULLIVAN, an individual, JENNY THORNTON, an individual, WADE WARTHEN, an individual, ANDREW WELCH, KARIE WILSON, an individual, DOUGLAS WOLANSKE, an individual, JON ZIMMERMAN, an individual, JAKE BRIGHAM, an individual, and MESSNER REEVES LLP, a Colorado partnership,

Defendants.

Pursuant to DUCivR 5-3, Defendants Messner Reeves, LLP (the “Firm”), ten of its alleged equity partners (“MR Partners”),¹ and Jake Brigham move the Court for leave to file under seal Messner Reeves, LLP’s, MR Partners’, and Brigham’s Motion to Dismiss First Amended Complaint for Failure to State a Claim (“Motion”).

Good cause exists to seal the Motion. DUCivR 5-3(a)(1) provides that “[o]n motion of a party and a showing of good cause, a judge may order that a Document be sealed.” Courts within this Circuit routinely grant motions to seal “business materials containing information that may be confidential” and documents containing “confidential and proprietary” information. *See, e.g., SBM Site Servs., LLC v. Garrett*, No. 10-CV-00385-WJM-BNB, 2011 WL 1375117, at *3 (D. Colo. Apr. 12, 2011).

¹ The MR Partners who make this motion are: Bryant Messner, Bruce Montoya, David Reeves, John Shunk, Douglas Wolanske, Caleb Meyer, Michelle Harden, Matthew Sullivan, Jon Zimmerman, and Renee Finch.Pur

Here, the Motion includes, as Exhibit B, a copy of the Amended and Restated Agreement of Partnership of Messner Reeves, LLP. This document divulges confidential information regarding the terms of agreement among Messner Reeves' equity partners, and poses a high risk of harm to Messner Reeves' business and business relations if it were disclosed to the public. This document has been designated as CONFIDENTIAL under the Standard Protective Order applicable to this case. *See DUCivR 26-2.*

This request to seal is narrowly tailored and applies only to Exhibit B to the Motion. In the public version of the motion, only Exhibit B has been redacted. It has been highlighted in yellow in the sealed version. *See DUCivR 5-3(b)(1).* For these reasons, Defendants request that leave to file under seal be granted as set forth in the proposed order submitted concurrently herewith.

DATED this 9th day of October, 2024.

SPENCER FANE LLP

/s/ Troy R. Rackham
Keith A. Call
Troy Rackham
Attorneys for Messner Reeves Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2024, I caused a true and correct copy of the foregoing
**MESSNER REEVES, LLP'S, MR PARTNERS', AND BRIGHAM'S MOTION FOR
LEAVE TO FILE UNDER SEAL (Motion to Dismiss)** to be filed with the court and served to
the following:

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